

GUILTY PLEA and PLEA AGREEMENT

United States Attorney
Northern District of Georgia

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CRIMINAL NO. 1:00-CR-805

ERIC ROBERT RUDOLPH, defendant, having received a copy of the above-numbered Indictment and having been arraigned, hereby pleads GUILTY to Counts One, Two, Five, Six, Seven, Ten, Eleven and Twelve thereof. The defendant, his counsel, and the United States Attorney for the Northern District of Georgia ("the Government"), as counsel for the United States, subject to approval by the Court, have agreed upon a negotiated plea pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and governed in part by Rule 11(c)(1)(C), the terms of which are as follows:

1. The defendant admits that he is pleading guilty because he is in fact guilty of violating: 18 U.S.C. § 844(i) as charged in Counts One, Five, Seven, Ten and Twelve; and 18 U.S.C. § 924(c) as charged in Counts Two, Six and Eleven of the Indictment.

2. The defendant understands that by pleading guilty, he is giving up the right to plead not guilty and the right to be tried by a jury. At a trial, the defendant would have the right to an attorney. If the defendant could not afford an attorney, the Court would appoint one to represent the defendant. During the trial, the defendant would be presumed innocent and the Government would have the burden of proving him guilty beyond a reasonable doubt. The defendant would have the right to confront and cross-examine the witnesses against him. If the defendant wished, he could testify on his own behalf and present evidence in his defense, and he could subpoena witnesses to testify on his behalf. If, however, the defendant did not wish to testify, that fact could not be used against him. If the defendant were found guilty after a trial, he would have the right to appeal the conviction. The defendant understands that by pleading guilty, he is giving up all of these rights and there will not be a trial of any kind. The defendant also understands that he ordinarily would have the right to appeal his sentence and, under some circumstances, to attack the sentence in post-conviction proceedings. By entering this Plea Agreement, the defendant is waiving those rights to appeal or collaterally attack his sentence, as specified in paragraph 14 below. Finally, the defendant

understands that, to plead guilty, he may have to answer questions posed to him by the Court concerning the rights that he is giving up and the facts of this case, and the defendant's answers, if untruthful, may later be used against him in a prosecution for perjury or false statements.

3. The defendant admits that the Government's evidence at trial would prove the facts set forth in the Statement of Facts attached hereto as Exhibit A and incorporated herein by reference, and that those facts establish his guilt beyond a reasonable doubt.

4. The defendant understands that the Court will order that he must pay full restitution to all victims of the offenses to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing. The Government acknowledges that the defendant has been determined to be indigent under the Criminal Justice Act. Accordingly, the Government agrees that the defendant's inability to pay based on his indigent status shall not be a breach of this Agreement. The defendant hereby assigns to the victims, as part of such restitution, any profits or proceeds which he may be entitled to receive in connection with any publication or dissemination of any information relating to illegal conduct alleged in the Indictment and the Statement of Facts attached hereto.

5. The defendant understands that, based on his plea of guilty, he will be subject to the following maximum and mandatory minimum penalties:

- (a) Maximum term of imprisonment: Counts One, Two, Six and Eleven: Life Imprisonment for each count; Counts Seven and Ten: 40 years each count; Counts Five and Twelve: 20 years each count.
- (b) Mandatory minimum term of imprisonment: Counts Six and Eleven: Life Imprisonment for each count; Count Two: 30 years; Counts One, Seven and Ten: seven years each; Counts Five and Twelve: five years each.
- (c) Term of supervised release: Counts One, Two, Six, Seven, Ten and Eleven: not more than five years; Counts Five and Twelve: not more than three years.
- (d) Maximum fine: \$250,000 for each count.
- (e) Full restitution to all victims of the offenses.
- (f) Mandatory special assessment: \$100 for each count for a total of \$800.

6. Although the statutes of conviction, 18 U.S.C. § 844(i) and § 924(c), provide for a maximum penalty of death upon the Government's notice of intent to seek the death penalty, the Government agrees not to file such notice.

7. This Plea Agreement is governed, in part, by Federal Rule of Criminal Procedure 11(c)(1)(C). The parties have agreed that the defendant's sentence imposed by the Court shall include life imprisonment on Counts One, Two, Six and Eleven. The defendant's status on the remaining counts shall be the maximum term of imprisonment allowed by law. No fines shall be imposed. If the Court accepts and imposes the agreed terms of life imprisonment, the defendant may not withdraw this plea.

8. The defendant agrees to plead guilty to Counts One and Two of Indictment Number CR 00-S-0422-S in the Northern District of Alabama, and the United States agrees to withdraw the previously filed Notice of Intent to Seek the Death Penalty in that district.

9. The Government agrees that upon the sentencing of the defendant, and with leave of the Court, the Government will file a dismissal of Counts Three, Four, Eight, Nine and Thirteen through Twenty-One of the Indictment pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.

10. The United States agrees not to bring further criminal charges against the defendant related to the charges to which he is pleading guilty or to information that the defendant provides to the Government pursuant to paragraph 11 of this Plea Agreement. In addition, the Government agrees not to provide or make available evidence or information in its possession to any state or local authority for the purposes of prosecution of the defendant unless otherwise ordered by a court. The Government understands that the defendant is relying upon the representations set forth in a letter signed by the local District Attorney with jurisdiction, attached hereto as Exhibit B.

11. Immediately upon executing this Plea Agreement, the defendant agrees to truthfully disclose to the Government the existence and all locations of any and all dangerous and/or hazardous materials, including dynamite and firearms, that are in his constructive possession or that he has hidden, after which the defendant's obligation pursuant to this paragraph is complete. As part of this Agreement, the defendant, through his counsel, represents that there are five separate locations of a significant amount of hidden dynamite. Three of those locations are identifiable on a map. One

of those three locations contains a hidden bomb buried approximately 50 yards from a major roadway and approximately 200 yards from homes and businesses. The two remaining locations are in remote areas and are more difficult to find. The defendant will disclose to the Government, as specifically as possible, the locations of the all hidden bombs and dynamite and the manner in which they are hidden, including identifying: the locations on maps, if possible, or in person at the locations, if requested to do so by the Government; the types of containers in which the materials are hidden; the approximate date the materials were buried or otherwise hidden; the approximate depth buried; the type of dynamite and bomb hidden; and any "booby-traps" or other measures taken to prevent discovery, retrieval or disposal. The defendant will also provide any other information requested by the Government for render-safe procedures. The United States agrees that no information provided by the defendant pursuant to this paragraph, including information directly or indirectly derived from such information, will be used against him in any criminal proceeding, including, but not limited to, any trial or sentencing. The protection granted such information by this paragraph is intended to be coextensive with that provided pursuant to Title 18, United States Code, section 6002.

12. The defendant understands that the Court will order him to pay a special assessment in the amount of \$800.

13. The Government reserves the right to inform the Court of all facts and circumstances regarding the defendant and this case, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law.

14. **WAIVER OF APPEAL:** In consideration of the Government's recommended disposition, the defendant voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to appeal his conviction and sentence in this case, and the right to collaterally attack his sentence in any post-conviction proceeding, including motions brought under 28 U.S.C. § 2255 or 18 U.S.C. § 3771, on any ground.

15. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the Government, and only the Government, may elect to be released from its commitments under this Plea Agreement. If the Government elects to void the Plea Agreement because of a breach by the defendant, then the Government agrees not to use the defendant's guilty pleas against him. If the defendant breaches, however, the Government may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may file a notice of intent to seek the death penalty and seek any sentence for such crimes up to and including the maximum sentence of death. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty pleas.

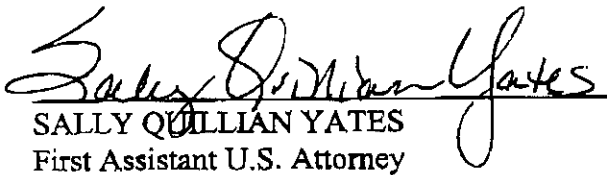
16. This Plea Agreement is between the defendant, the United States Attorney for the Northern District of Georgia and the United States of America. Accordingly, this agreement is intended to bind the United States in each and every federal district.

17. The defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Plea Agreement, to cause the defendant to plead guilty.


This 4th day of April, 2005.



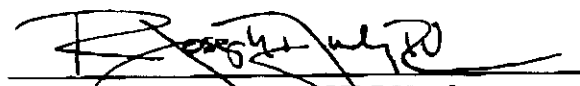
DAVID E. NAHMIAS
United States Attorney



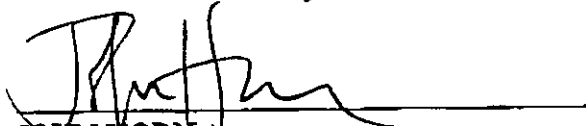
SALLY QUILLIAN YATES
First Assistant U.S. Attorney




PHYLLIS B. SUMNER
Assistant U.S. Attorney




RAYMOND JOSEPH BURBY IV
Assistant U.S. Attorney



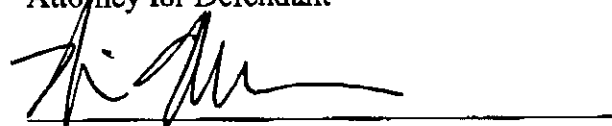
JOHN HORN
Assistant U.S. Attorney



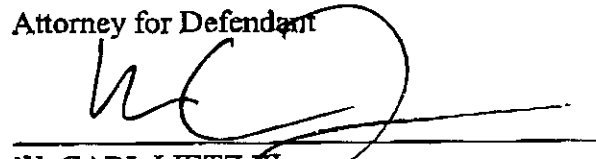
ERIC ROBERT RUDOLPH
Defendant



PAUL S. KISH
Attorney for Defendant



BRIAN MENDELSON
Attorney for Defendant



W. CARL LIETZ III
Attorney for Defendant

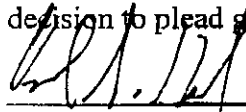
04/04/05
DATE

I have read the Indictment against me and have discussed it with my attorney. I understand the charges and the elements of each charge that the Government would have to prove to convict me at a trial. I have read the foregoing Plea Agreement and have carefully reviewed every part of it with my attorney. I understand the terms and conditions contained in the Plea Agreement, and I voluntarily agree to them. **I also have discussed with my attorney the rights I may have to appeal or challenge my sentence, and I understand that the appeal waiver contained in the Plea Agreement will prevent me, to the maximum extent permitted by federal law, from appealing my conviction or sentence or challenging my sentence in any post-conviction proceeding.** No one has threatened or forced me to plead guilty, and no promises or inducements have been made to me other than those discussed in the Plea Agreement. The discussions between my attorney and the Government toward reaching a negotiated plea in this case took place with my permission. I am fully satisfied with the representation provided to me by my attorney in this case.


ERIC ROBERT RUDOLPH

4/4/05
DATE

I am ERIC ROBERT RUDOLPH's lawyer. I have carefully reviewed the charges and the Plea Agreement with my client. To my knowledge, my client is making an informed and voluntary decision to plead guilty and to enter into the Plea Agreement.


PAUL S. KISH
Attorney for Defendant

4/4/05
DATE

INFORMATION BELOW MUST BE TYPED OR PRINTED

PAUL S. KJSH
NAME (Attorney for Defendant)

Federal Defender Program, Inc.
100 Peachtree Street, Suite 1700
STREET

Atlanta, Georgia 30303
CITY & STATE ZIP CODE

PHONE NUMBER (404) 688-7530

STATE BAR OF GEORGIA NUMBER _____

Filed in Open Court

By _____

ERIC ROBERT RUDOLPH
NAME (Defendant)

STREET

CITY & STATE ZIP CODE

PHONE NUMBER _____

**U. S. DEPARTMENT OF JUSTICE
Statement of Special Assessment Account**

This statement reflects your special assessment only. There may be other penalties imposed at sentencing.

ACCOUNT INFORMATION	
CRIMINAL ACTION NO.:	1:00-CR-805
DEFENDANT'S NAME:	ERIC ROBERT RUDOLPH
PAY THIS AMOUNT:	\$800

INSTRUCTIONS:

1. PAYMENT MUST BE MADE BY **CERTIFIED CHECK OR MONEY ORDER** PAYABLE TO:

CLERK OF COURT, U.S. DISTRICT COURT

PERSONAL CHECKS WILL NOT BE ACCEPTED

2. PAYMENT MUST REACH THE CLERK'S OFFICE WITHIN 30 DAYS OF THE ENTRY OF YOUR GUILTY PLEA
3. PAYMENT SHOULD BE SENT OR HAND DELIVERED TO:

Clerk of Court, U.S. District Court
2211 U.S. Courthouse
75 Spring Street, S.W.
Atlanta, Georgia 30303

(Do not Send Cash)

4. INCLUDE DEFENDANT'S NAME ON **CERTIFIED CHECK OR MONEY ORDER**
5. ENCLOSE THIS COUPON TO INSURE PROPER AND PROMPT APPLICATION OF PAYMENT
6. PROVIDE PROOF OF PAYMENT TO THE ABOVE-SIGNED AUSA WITHIN 30 DAYS OF THE GUILTY PLEA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES V. ERIC ROBERT RUDOLPH, CRIMINAL NO. 100-CR-805

Eric Robert Rudolph committed a series of bombings in Atlanta and Birmingham between 1996 and 1998, including the bombing in Centennial Park during the 1996 Olympics; the bombing of the Northside Family Planning Clinic in 1997; the bombing of The Otherside Lounge in 1997; and the bombing of the New Woman All Women Health Clinic in Birmingham in 1998.

Rudolph served in the United States Army between 1987 and 1989. According to several Army witnesses, he received training in improvised or field explosive devices. Both during and after his Army service, Rudolph possessed military manuals concerning military explosives. In mid-1995, Rudolph had a discussion about domestic terrorism with a friend and said that the Olympics would be a good target because the whole world would be watching.

I. Centennial Olympic Park Bombing

On February 9, 1996, using the alias "Z. Randolp," Rudolph bought a postal money order which he used in an attempt to purchase a manual entitled "Kitchen Improvised Fertilizer Explosives." This manual was never sent to Rudolph. About one month later, Rudolph, using the same alias, ordered a different manual entitled "Ragnar's Homemade Detonators." Rudolph did receive this manual, which detailed how to construct a detonator for initiating high explosives, including dynamite.

In May of 1996, Rudolph sold the family's home in Topton, North Carolina. He told family members and friends that he would be traveling out west. Instead, Rudolph moved from his residence in Topton, North Carolina, to a trailer in Murphy, North Carolina, which he rented in early June 1996. Rudolph's landlord, who lived next door, noticed that Rudolph was not present at his residence for about three weeks in late July 1996.

In July 1996, the Centennial Summer Olympic Games were taking place in Atlanta, Georgia. The Centennial Olympic Games were the largest peacetime event ever conducted in the United States, and more than two million visitors from around the world converged in Atlanta for the Olympics. Centennial Olympic Park, located in downtown Atlanta, was the central gathering place for spectators and participants. On Friday night, July 26, 1996, Centennial Olympic Park teemed with more than 50,000 people. On that night, Eric Robert Rudolph placed a bomb under a bench next to the NBC/AT&T sound and light tower near the main stage at Centennial Olympic Park.

The bomb consisted of three 12-inch long metal plumbing pipes stacked in a pyramid, each packed with smokeless powder and covered with more than five pounds of 3-inch cut masonry nails

designed to be propelled from the bomb as additional shrapnel. Rudolph concealed the 40-pound bomb in a military style olive green backpack.

At 12:18 a.m. on July 27, 1996, a visitor to Centennial Olympic Park captured on videotape a blurry image of an individual sitting on the bench near the NBC/AT&T tower with the bomb backpack beside him on the ground. Although the facial features in the image were unidentifiable, technology developed by NASA enhanced the image enough to show the individual sitting on the bench wearing ankle-high boots with light-colored socks sticking out, thigh-length khaki shorts and a dark short-sleeve shirt. A photograph of Rudolph taken in the fall of 1997 shows him wearing similar clothes, including the boots with protruding light socks. NASA also estimated that the individual was 5'10" to 6'2" tall, weighed about 180 pounds, and wore a size 9 to 9 ½ shoe. Rudolph is 5'11", at that time weighed about 180 pounds, and wears size 9 ½ shoes. In addition to the videotaped image, Rudolph fits the description provided by witnesses who saw a man sitting alone on the bench shortly after the video was recorded.

At 12:58 a.m. on July 27, 1996, a telephone call was received by the emergency 911 operator with the Atlanta Police Department. The call came from a pay phone located about four blocks from Centennial Olympic Park. The caller told the operator, "There is a bomb in Centennial Olympic Park; you have thirty minutes." At least fifteen people who knew Rudolph have said that it is his voice or a voice very similar to his on the 911 call.

At about the same time that Rudolph made the 911 call, security officers discovered an unattended backpack under the bench next to the NBC/AT&T tower in Centennial Olympic Park. An assessment team determined that the backpack appeared to contain a bomb, and law enforcement officers began evacuating the area. At 1:20 a.m. – 22 minutes after the 911 call, and thus eight minutes short of the 30 minutes advised during the call – the bomb exploded, spraying shrapnel in every direction.

The bomb killed Alice Hawthorne, a 44 year-old woman from South Georgia who had come to Atlanta with her 14 year-old daughter to take part in the Olympic festivities. Ms. Hawthorne was killed almost instantaneously when a nail from the bomb struck her in the head. More than 100 other people were seriously injured and required hospital treatment, including Ms. Hawthorne's daughter, several foreign visitors, and numerous law enforcement officers who were hit by shrapnel after they converged on the area near the bomb to evacuate the crowd.

In addition to Ms. Hawthorne, Melih Uzunyol, a cameraman from Turkey, died after sustaining a heart attack in the commotion after the bombing. The shrapnel also caused extensive damage to property used in interstate commerce or used in activities affecting interstate commerce.

The backpack used to conceal the bomb is consistent with what is commonly called an "ALICE" pack, used by the United States Army. The backpack had a wooden dowel, cut from a longer wooden pole, inside the ALICE backpack to use as a carrying handle. According to military personnel, Rudolph learned of this very unusual technique while attending the Air Assault School

in Fort Campbell, Kentucky, and witnesses saw Rudolph using a wooden pole in this manner with his ALICE pack. The dowel used in the device was cut from a drywall sanding pole manufactured by Marshalltown. Rudolph owned and used such a pole before the Centennial Olympic Park bombing. A videotape of Rudolph's garage taken in November of 1995 shows the intact wooden drywall pole hanging on the wall, screwed into its rectangular metal head. When agents searched Rudolph's storage unit in early February, 1998 they found the metal pole head – Marshalltown brand– but the wooden pole was gone.

Rudolph used Accurate Arms #7 or #9 smokeless powder when constructing the bomb. Two witnesses said that Rudolph used Accurate Arms #7 and #9 powder when he reloaded ammunition at various times before the Olympic Park bombing, and five shells found in Rudolph's storage unit contained traces of this type of Accurate Arms smokeless powder. A witness also reported that Rudolph bought a large quantity of Accurate Arms #7 or #9 powder at a gun show in Tennessee during the year before the Olympic Park bombing. One witness stated that several months before the bombing, Rudolph said that he had enough of this powder to make a bomb.

The steel plate inside the backpack containing the Olympic Park bomb was traced to a single heat made by Gallatin Steel and distributed in late April of 1996 to several companies in the western North Carolina area, including the Franklin Machine Company. A friend of Rudolph's worked at the Franklin Machine Company where, as Rudolph knew from having visited that friend, steel scrap sat unguarded.

In searches of Rudolph's trailer, storage unit, and truck conducted in February and March 1998, agents found only three videotapes that Rudolph kept, even though Rudolph avidly rented and watched videos. On one of those videotapes found in the storage unit, Rudolph recorded a portion of a newscast covering the one-year anniversary of the Centennial Olympic Park bombing. He had told a friend that the whole world would be watching if there was an act of terrorism at the Olympics.

II. Sandy Springs Professional Building Bombings

Six months after the Centennial Olympic Park bombing, in the early morning hours of Thursday, January 16, 1997, Eric Robert Rudolph placed two bombs at the Sandy Springs Professional Building, located in Sandy Springs, Georgia. He placed the first device next to a ground floor exterior wall on the south side of the building, just outside the operating room of Northside Family Planning Services. He set the second bomb on the ground under shrubbery at a dumpster near the northwest corner of the building's parking lot.

The first bomb exploded at 9:24 a.m. The bomb consisted of approximately 21 half-pound sticks of nitroglycerin dynamite contained in a metal ammunition can. Similar to the Centennial Olympic Park bomb, the bomb contained a steel plate and used a Westclox brand Baby Ben alarm clock as a timer. The explosion from the first bomb badly damaged the building and the clinic in particular. The building was evacuated, and rescue and law enforcement, including FBI, ATF, and U.S. Marshal's Service personnel, responded to the scene.

Just over an hour after the first explosion, the second bomb detonated. Rudolph had placed this bomb across the parking lot from the Northside Family Planning Services office, located in an area where agents and medical personnel would and did park their vehicles and gather to investigate the first explosion. The second Sandy Springs bomb was constructed in a manner similar to the first bomb, but used about half as much dynamite to allow room in the ammo can for about four pounds of 4d cut flooring nails as additional shrapnel. The second device also was wrapped with more than 100 feet of twisted wire. The second bomb seriously injured an ATF agent and an FBI agent and sent five more people to the hospital for treatment, while about 50 others in the area suffered hearing loss and other blast effects. In addition to the injuries to the agents and others on the scene, shrapnel from the second device also caused extensive damage to property used in interstate commerce or used in activities affecting interstate commerce.

Similar to the Centennial Olympic Park bomb, the design of the Sandy Springs devices reflects Eric Rudolph's military training. He received specific and atypical instruction on making an improvised explosive device using an ammo can filled with high explosive and nails or metal debris as shrapnel. Rudolph also received training on the use of a second, or "sucker," bomb featuring the "L" shaped ambush technique, which involves the use of an initial explosion to draw the enemy to the site of an ambush. The second device at the Sandy Springs Professional Building detonated after law enforcement responded to the scene.

The use of steel directional plates in improvised explosive devices is very unusual. Moreover, just like the Centennial Olympic Park bomb, the steel used in the plates contained in both of the Sandy Springs bombs was made by the Gallatin Steel company. All three pieces of steel (the Olympic Park steel and the two pieces used at Sandy Springs) came from the same production run at Gallatin Steel on February 18, 1996. Each of these pieces was part of a shipment of six coils distributed to the western North Carolina area around May of 1996. The Centennial Olympic Park bomb steel and the Sandy Springs pieces had each been cut from larger sheets by an oxy-acetylene torch.

Many of the components in the Sandy Springs bombs match, or are consistent with, the components used in the Olympic Park device. First, both the Sandy Springs bombs and the Olympic Park bomb contained strands of twisted wire made by Radio Shack, product number 278-567. Second, both of the Sandy Springs bombs and the Olympic Park bomb used Westclox wind-up alarm clocks as the timing devices. Third, a 14-ounce Rubbermaid brand "Servin' Saver" food container with an almond-colored polyethylene lid and a clear polypropylene base was used in both the Sandy Springs bombs; this component is consistent with milky-colored plastic containers observed by law enforcement officers who looked inside the ALICE pack concealing the Olympic Park bomb. Fourth, many of the Sandy Springs bomb components were held together with gray duct tape made by the Shurford company, model PC-618, which is consistent with the duct tape used in the Olympic Park device.

III. The Otherside Lounge Bombings

Just five weeks after the bombings at the Sandy Springs Professional Building, on Friday, February 21, 1997, Eric Robert Rudolph committed his third bombing, this time at the Otherside Lounge, an Atlanta nightclub, with a largely gay and lesbian clientele. Once again, Rudolph placed two devices. The first bomb detonated at 9:58 p.m. on a stone ledge overlooking the building's back patio, while the second was designed to explode some time after the first bomb, after law enforcement had responded to the scene.

Each of the Otherside bombs used nitroglycerin dynamite as the explosive charge, which was placed inside of a plastic food container in both devices. Each bomb used a Westclox brand Baby Ben alarm clock as a timer and a steel plate to direct approximately three and one-half pounds of nails as extra shrapnel.

The first bomb exploded and showered the patio and surrounding area with nails and shrapnel, injuring five patrons inside the lounge and causing extensive property damage. Law enforcement and rescue personnel responded, but an Atlanta Police officer noticed a suspicious backpack concealed in shrubbery on top of a low wall that ran along the lounge's parking lot on the side of the building. The backpack contained Rudolph's second bomb, which detonated during render-safe operations, causing additional property damage. In addition to the injuries to the lounge's patrons, shrapnel from both devices caused extensive damage to property used in interstate commerce or used in activities affecting interstate commerce.

Within hours of the Otherside bombings, Rudolph mailed letters to four news organizations in Atlanta, claiming responsibility for the Sandy Springs bombings and the Otherside bombings on behalf of the "Army of God." The four letters were essentially identical, but each was separately handwritten in disguised block printing with a black felt tip pen on lined paper. The letters accurately listed components of the bombs, some of which were not known to the public. The letters stated that the target of the first devices placed at the Sandy Springs Professional Building and Otherside Lounge, respectively, were supporters of abortion and homosexuality, while the second devices were "aimed at agents of the so-called federal government, i.e. A.T.F., F.B.I., Marshal's [sic] etc." The letters warned of additional bombings against those targets in the future, and concluded with the phrase, "DEATH TO THE NEW WORLD ORDER." Witnesses have stated that Rudolph had expressed hostility toward homosexuality, the federal government, and law enforcement in particular. Rudolph used phrases from the letters in his speech, and repeatedly derided the "new world order."

Many of the components of the Otherside bombs match, or are consistent with, the components used in the Centennial Olympic Park and Sandy Springs bombs. The Sandy Springs and Otherside bombs used nitroglycerin dynamite as the explosive. The Otherside bombs included Rubbermaid brand plastic food containers with almond-colored polyethylene lids and clear polypropylene bases, which are the same type food containers used in the Sandy Springs devices and are similar to the plastic shards and observations by the officers of plastic materials in the Centennial

Olympic Park bomb as described earlier. Westclox brand Baby Ben clocks were used as the timing devices, with batteries as power sources, for the Otherside bombs, which is the same brand clock and battery design used in the Sandy Springs bombs, and again is similar to what was found at Centennial Olympic Park. In addition, Rudolph partially scratched off the serial numbers of at least one of the batteries used in the Otherside bombs; when agents searched Rudolph's abandoned truck, they found two batteries with the serial numbers scratched off. Both of the Otherside bombs used Radio Shack wire, product number 278-567, which is the same type wire he used in the Sandy Springs and Centennial Olympic Park bombs. All of the bombs used nails as shrapnel. Rudolph used gray duct tape in the Otherside bombs that is similar to gray duct tape made by the Shurford company, under catalogue number PC-618, which is the same type of tape used in the Sandy Springs devices and is similar to tape used in the Olympic Park bomb. Finally, black plastic tape was used to hold components together in the Otherside, Sandy Springs, and Olympic Park bombs.

Like the two Sandy Springs bombs and the Olympic Park bomb, steel plates were used to direct the shrapnel to be propelled from the Otherside bombs. However, the steel plates used in the Otherside bombs are not associated with the steel produced by Gallatin Steel.

IV. The Birmingham Bombing

On Thursday, January 29, 1998, at 7:32 a.m. Central Standard Time (CST), a bomb exploded in front of the New Woman All Women Health Care Clinic, a health clinic that performs abortions, in Birmingham, Alabama. The bomb had been buried under shrubbery next to the walkway leading up to the clinic, and further concealed under an artificial plant.

The bomb exploded as Robert Sanderson, a Birmingham Police officer working security at the clinic, leaned over it, killing him. The autopsy on the body of Officer Sanderson indicated that his death was a result of the thermal and concussion effect of the blast from the device. The clinic's head nurse, Emily Lyons, who was standing nearby, was seriously and permanently injured. The explosion also caused extensive damage to the building and property used in interstate commerce or used in activities affecting interstate commerce.

Eric Robert Rudolph had constructed and placed this bomb outside the New Woman All Women Health Care Clinic and it was detonated by radio remote control as Officer Sanderson stood over it.

The bomb contained dynamite as the explosive, and Eveready batteries as the power source. The bomb contained a Radio Shack plastic battery holder, and a Rubbermaid Servin'Saver clear plastic container with an almond-colored lid. Gray duct tape and black plastic electrical tape also were in this bomb. Over five and one-half pounds of nails were in this bomb as shrapnel. The Birmingham bomb was inside a locked tool box, covered with green plastic foliage.

Just after the blast, a witness saw a white male walking calmly away from the vicinity of the explosion, as everyone else in the area rushed towards it. The witness thought that was suspicious,

and he followed the man. After a while, the man ducked behind an apartment building and emerged having changed his appearance by taking off his baseball cap and jacket. The witness continued to follow the man for some distance, but eventually lost him. The witness then stopped at a McDonald's Restaurant to call 911.

As the witness was on the telephone with the 911 operator, he observed through the window of the McDonald's the same man he had been following earlier walking along the opposite side of the street. As the witness was telling the 911 operator what he was seeing, a customer in the McDonald's observed what was occurring and called out a physical description of the white male to the witness, who relayed it to the 911 operator. He described the individual as a white male, 5' 11" to 6' tall, approximately 180 pounds, collar-length dark hair, approximately 35 years old -- a description consistent with Rudolph -- wearing a black baseball cap, a green and black plaid short-sleeve shirt layered over a long-sleeve black shirt and wearing a black backpack, which appeared full.

After providing the description, the first and second witnesses left the restaurant to follow the man. The second witness eventually saw the man placing something in the back of a gray Nissan pickup truck with a camper shell, and recorded the truck's license tag -- North Carolina plate number KND1117. When the witness stopped to give the information to the police, he lost sight of the truck. After Rudolph's photo was publicized by the media in February 1998, this witness contacted ATF agents and told them that he had seen the photograph in the media of the person who was being sought as a material witness. He stated that he was certain the person in the picture was the person he had seen driving the pickup truck on the day of the bombing. The photograph was of Eric Rudolph.

Shortly after the second witness observed the truck, the first witness saw the gray Nissan pickup with camper shell being driven by the same white male he had been following earlier. The witness made a U-turn and followed the truck. Independently of the second witness, the first witness recorded the license plate number as North Carolina license number KND1117. He subsequently lost the truck in traffic.

Alabama State Troopers traced North Carolina license plate number KND1117 to a vehicle registered to Eric Rudolph with an Asheville, North Carolina address. The address, however, was his mother's old address. While agents tried to locate Rudolph's current residence, Rudolph returned to Murphy, North Carolina, where his truck was seen turning into his driveway at about 4:30 p.m. Eastern Standard Time (EST). Murphy is about a 5-hour drive from Birmingham.

That evening Rudolph was seen in a video store in town, and on Friday morning, January 30, 1998, he returned the video and rented another. That afternoon, he stopped by a grocery store and returned to his trailer.

At about 5:00 p.m. EST on January 30, 1998, the Birmingham U.S. Attorney's Office obtained an arrest warrant for Rudolph, and a news conference was held to announce that Rudolph

was wanted as a material witness to the clinic bombing. Given the national media coverage of the news conference, Rudolph quickly learned that he had been identified as a suspect in the bombing. Rudolph bought dinner at a Burger King and went to a grocery store where he purchased a large quantity of oatmeal, canned goods, batteries, and other camping supplies. Agents arrived at Rudolph's trailer between 8:00 and 9:00 p.m. that evening. They found the heat on, the lights on and the front door standing open, but Rudolph was gone. Rudolph had fled into the mountains of western North Carolina to hide.

Within hours of the Birmingham clinic bombing, two letters were mailed from the Birmingham area to two Atlanta print media outlets. Like the letters sent after the Otherside bombings, the letters were essentially identical, handwritten separately in disguised block printing, with a black felt-tip pen on lined paper. The letters claimed responsibility for the Birmingham clinic bombing on behalf of the "Army of God," and threatened more violence in the future against abortion supporters and anyone associated with the drug RU-486. The Army of God letters concluded with the phrase "DEATH TO THE NEW WORLD ORDER" and the code "4-1-9-9-3."

Beginning on February 2, 1998, agents executed a series of search warrants for Rudolph's trailer and storage unit. Eight days after Rudolph disappeared, on February 7, 1998, his Nissan truck was found abandoned in a heavily wooded area outside Murphy, North Carolina. Agents executed a search warrant for the truck.

During searches of Rudolph's trailer, agents found residue of nitroglycerin dynamite in numerous locations, including: the carpet; two baseball caps; cushioning from a rocking chair; a rented VCR tape and cover; a bed sheet from Rudolph's bed; and a pair of gray socks. Dynamite residue also was found on the steering wheel cover and a paper grocery bag in Rudolph's abandoned Nissan truck.

An examination of latent fingerprints found inside the truck revealed that all identifiable latent fingerprints belonged to Rudolph. Agents also recovered latent fingerprints belonging to Rudolph from the driver's side seat belt buckle. There were no latent fingerprints belonging to anyone else in the truck. One latent print not belonging to Rudolph was found on the inside tailgate of the truck.

During the autopsy on Officer Sanderson's body, doctors removed two pieces of metal that were identified as pieces of a hose clamp. Agents traced numbers on one of the pieces to identify it as part of a hose clamp marketed under the brand name "Popular Mechanics." Popular Mechanics hose clamps were sold exclusively at WalMart. During the search of Rudolph's trailer, agents discovered a receipt that shows the purchase of a set of two hose clamps at the Murphy Wal-Mart on December 24, 1997. The hose clamps are the same type as those found in Officer Sanderson's body. No hose clamps of that type were found in the search of Rudolph's trailer, truck or storage unit.

A piece of crystal was removed from Emily Lyon's body. This type of crystal has been identified as one used in a radio remote controlled device, like the ones used to fly radio remote controlled airplanes. A piece of a circuit board belonging to a JR 6000 remote control unit was found on the roof of a building adjacent to the New Woman All Women Health Care clinic. Other pieces found at the bomb site are consistent with the JR 6000 remote control unit, including a servo and a plastic battery pack. Explosives experts will testify that based upon this evidence, the bomb could have been detonated by remote control.

The Birmingham and Atlanta bombs are linked by the Army of God letters. An ATF handwriting examiner reports that the disguised block printing used in both sets of letters indicates a common writer. The letters used similar envelopes and stamps, went to the same addressees, and employed similar rhetoric. The letters also are linked by the code -- 4-1-9-9-3 -- which had never been publicized with the dashes between each number.

Notably, when constructing the Birmingham bomb, Rudolph changed some of the components used in earlier bombs that had received media attention. News reports about the Centennial Olympic Park, Sandy Springs, and Otherside devices had focused on the use of steel plates as directional devices and Westclox brand alarm clocks. This time, Rudolph did not use a steel plate. In addition, Rudolph substituted a kitchen timer and remote control detonator for the Westclox brand alarm clock. Nonetheless, Rudolph once again used several components in the Birmingham bomb--components that had not been publicized in the media--that match, or are consistent with, the components of his earlier bombs. First, Rudolph once again used nitroglycerin dynamite as the explosive, as he used in the Sandy Springs and Otherside bombs. Second, the Birmingham bomb contained a Radio Shack plastic battery holder to hold D-cell batteries, which Rudolph also used in both of the Sandy Springs devices. Third, Rudolph used a Rubbermaid Servin' Saver clear plastic container with an almond-colored lid in the Birmingham bomb, which is similar to the containers he used in the Sandy Springs and Otherside bombs. Fourth, Rudolph used gray duct tape and black plastic electrical tape in the Birmingham bomb, which he also used in the Sandy Springs and Otherside bombs, and was consistent with tape found at the Centennial Olympic Park site.

After the material witness warrant was issued in Birmingham on January 30, 1998, Eric Robert Rudolph remained a fugitive for approximately five years. He was arrested in Murphy, North Carolina in the early morning hours of May 30, 2003 by local law enforcement.

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March 30, 2005

The Honorable David E. Nahmias
United States Attorney's Office
Northern District of Georgia
Richard B. Russell Federal Building
75 Spring Street, SW, Suite 600
Atlanta, Georgia 30303-3309

Re: Eric Robert Rudolph

Dear Mr. Nahimas:

This is to make clear that should the defendant Eric Robert Rudolph enter the pleas proposed to him by The United States Attorney's Offices involved in this matter, that the Fulton County District Attorney's Office agrees not to bring criminal charges against Rudolph. My office's agreement not to charge Rudolph would be contingent upon his execution of the Plea Agreement with the United States Attorney's Office for The Northern Districts of Georgia and Alabama, Rudolph's fulfillment of his obligation pursuant to those plea agreements such that those agreements remain in effect, and the District Courts acceptance of Rudolph's guilty plea in both cases.

Please contact me directly for any questions regarding this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Paul L. Howard, Jr.", written over a horizontal line.

Paul L. Howard, Jr.
Fulton County District Attorney

EXHIBIT B